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UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

FEB 19 PM 3:27

CLERK OF COURT

ANDREW J. GONZALEZ

Plaintiff,

v.

MIDLAND FUNDING, LLC and  
MIDLAND CREDIT MANAGEMENT,  
INC.

Defendants.

Case No: 4:13-CV-50-A

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Midland Funding, LLC ("Midland Funding") and Midland Credit Management, Inc. ("MCM") (collectively "Defendants"), request that the Court dismiss with prejudice Plaintiff's Complaint against it for failure to state a claim upon which relief can be granted and shows the court the following:

1. On January 23, 2013, Plaintiff Andrew J. Gonzalez ("Plaintiff") filed this suit against Defendants alleging violations of the Fair Credit Reporting Act ("FCRA") 15 U.S.C. § 1681 et. seq. and the Fair Debt Collection Practices Act (the "FDCPA") 15 U.S.C. § 1692 et. seq.<sup>1</sup>

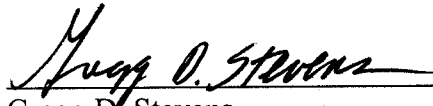
2. Plaintiff's claims should be dismissed with prejudice because Plaintiff's Complaint fails to state plausible claims for relief against Defendants.

3. A brief in support of this Motion is contemporaneously being filed.

<sup>1</sup> Docket No. 1.

For the above reasons, Defendants request that all causes of action included in Plaintiff's Complaint be dismissed with prejudice, and for such other and further relief for which they may show themselves justly entitled.

Respectfully submitted,



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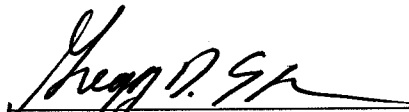
**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2013, a copy of the above and foregoing has been served upon the Pro Se Plaintiff as follows:

**Certified Mail RRR 7196 9008 9111 5369 2250**

Andrew J. Gonzalez  
6015 Siltstone Lane  
Apt. #1224  
Fort Worth, TX 76137  
Pro se Plaintiff



Gregg D. Stevens